

RESOLUTION ZA - 0007 - 2012

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (13-4) (08-0-0001)

WHEREAS, Allen & Katherine Stackhouse, property owners have appeared before the Board of Zoning Appeals of James City County (the "Board") on January 10, 2013 to request a variance on a parcel of property identified as JCC RE Tax Parcel No. (13-4) (08-0-0001) and further identified as 140 Point O' Woods Road (the "Property") as set forth in the application ZA-0007-2012; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record do move to grant a variance to section 24-238 (b), Yard Regulations, of the James City County Zoning Ordinance to reduce the required 35' rear yard setback to 20' feet to allow for continued placement of the existing house and the construction of a sunroom on the back right corner of the house as shown on the development plan submitted by Craig Wilson of Outback Construction.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of the Code of James City County (the "County Code") would effectively prohibit or unreasonably restrict the utilization of the property.
5. Granting the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
6. The variance will be in harmony with the intended spirit and purpose of Chapter 24 of the County Code.
7. The condition or situation of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
8. In authorizing the variance, the following conditions regarding the location, character and other features of the proposed structure or use which have been determined to be in the public interest are imposed: **no further encroachment is permissible.**

ATTEST:

Secretary

Chair, Board of Zoning Appeals

January 10, 2013

R E S O L U T I O N Z A - 0 0 0 7 - 2 0 1 2

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WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record do move to grant a variance to section 24-238 (b), Yard Regulations, of the James City County Zoning Ordinance to reduce the required 35' rear yard setback to 20' feet to allow for continued placement of the existing house shown on Physical Survey of Lot 1, Section 8 Mirror Lakes Estates for Allan and Katherine Stackhouse dated December 16, 2004.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of the Code of James City County (the "County Code") would effectively prohibit or unreasonably restrict the utilization of the property.
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